

**REMARKS**

Reconsideration and allowance of this application are respectfully requested in view of the above amendment and the discussion below.

Applications discussion of the nature of the present invention is incorporated herein by reference from the Amendment filed July 1, 2003 with additional remarks being addressed to the outstanding rejection of claims 12 and 18 under 35 U.S.C. 102 as being anticipated by the newly applied reference to Heinle et al. U.S. Patent No. 5,860,593. Additionally claims 16 and 17 have been rejected under 35 U.S.C. 103 as being unpatentable over Heinle et al. in view of Danieau U.S. Publication No. 2002/0000314 and claim 19 has been rejected under 35 U.S.C. 103 as unpatentable over Heinle et al. in view of Ratgeber et al. U.S. Patent No. 5,873,520.

Independent claim 12 embodies the present invention by reciting that there is at least one control element which supplies a prescribed value which prescribed value is defined as a predetermined state of flow and that state of flow is determined by air speed and location of air movement including distribution of air to outlet nozzles, the outlet direction of the nozzles and actuators.

Therefore, according to the present invention, a vehicle operator sets this control element to not only a determined thermal state but also a determined state of flow as is specifically defined in independent claim 12.

The reference to Heinle et al. '593 concerns an air conditioning system which adjusts as a function of sun radiation. However, the only setting determined by control element is the temperature. Various sensors including a seat sensor and a

“sun sensor” function to accomplish this set temperature in such a way that portions of the body exposed to direct sun are treated to differing air flow by adjusting the air guiding grids. The device of Heinle et al. is specific to the configuration of the vehicle so that a blowing direction can be automatically optimized as a function of sun radiation.

However, the control element of Heinle et al. (that is, the element that the occupant or the driver can set) is limited to a temperature setting. From that temperature setting the system of Heinle et al., using its sensor outputs, provides an adjustment for radiation of the sun from different parts of the body of the occupants.

In contra-distinction to Heinle et al., the present invention provides that the vehicle operator can have use of a control element to supply a prescribed value to an air conditioning control unit but that prescribed value prescribes not only a thermal state (temperature and radiation) but also a determined state of flow. The reference to Heinle et al. has no manner in which the state of flow of the occupants is able to be set. The state of flow is defined in the claim and in the specification as a combination of air speed and location of the air including the distribution of air to the outlet nozzles.

The adjustments to any air flow made in Heinle et al. results not from setting up a prescribed state of flow but rather from setting only the temperature with the various sensors in the automobile of Heinle et al. being used to determine how the air should be distributed based on sun radiation.

Therefore it is submitted that claim 12 provides structure which is not available from the reference to Heinle et al.

With respect to the rejections of claims 16 and 17 concerning separate control panels, Applicants submit that the reference to Danieau, even accepting the statement of the rejection for its showing adds nothing toward meeting the claim limitations of independent claim 12 concerning the state of flow prescribed by the control element.

Likewise the reference to Ratgeber et al. adds nothing toward meeting the claim limitations of independent claim 12 from which claim 19 depends and contains all of the limitations thereof.

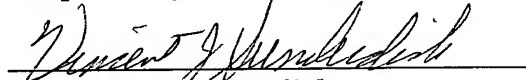
Therefore in view of the distinguishing features between the claimed invention and the reference which features are not shown or disclosed or made obvious by the references, Applicants respectfully request that this application containing independent claim 12 and dependent claims 13-22 be allowed and be passed to issue.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.51026US).

October 15, 2003

Respectfully submitted,



Vincent J. Sunderdick  
Registration No. 29,004

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844

VJS:adb